REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

This Amendment is in response to the Final Office Action mailed on March 3, 2005. Claims 1-6 and 17-26 are pending in the Application; Claims 1-6, 17, and 18 stand rejected; and Claims 19-26 have been allowed. The indication of allowable subject matter is noted with appreciation. Claim 1 is amended by the present Amendment.

In the outstanding Office Action, Claims 1, 2, 6, 17, and 18 were rejected under 35 U.S.C. § 103(a) as being obvious over the admitted prior art (hereinafter "APA") in view of DE 23 21 401 Abstract (hereinafter "the '401 abstract") and Kuroiwa et al. (U.S. Patent No. 6,524,521, hereinafter "Kuroiwa"); Claims 1, 2, 6, 17, and 18 was rejected under 35 U.S.C. § 103(a) as being obvious over APA in view the '401 abstract; Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the references as applied to Claim 1, and further in view of Underwood (U.S. Patent No. 3,220,812); Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the references as applied to Claim 3, and further in view of Kurihara et al. (U.S. Patent No. 6,132,661, hereinafter "Kurihara"); Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the over the references as applied to Claim 1, and further in view of either Weber et al. (U.S. Patent No. 3,959,421, hereinafter "Weber") or Kurihara.

As to the obviousness rejections based on Kuroiwa, Applicants respectfully submit that, under 35 U.S.C. § 103(c), those obviousness rejections are improper. 35 U.S.C. § 103(c) provides:

"Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section ***where the subject matter and the claimed invention were, at***

the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

As evidence required to establish common ownership, as explained in MPEP § 706(l)(2)(II), ***Applicants respectfully submit that this application and Kuroiwa were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person***. As such, under the provisions of 35 U.S.C. § 103(c), Kuroiwa cannot be used in a 35 U.S.C. § 103(a) rejection of any of the claims of the above-referenced application. Therefore, withdrawal of all of the above-summarized rejections under 35 U.S.C. § 103(a) based at least in part on Kuroiwa is respectfully requested.

As to the other obviousness rejections, Applicants respectfully submit that APA and the '401 abstract, neither individually nor in any combination, support a *prima facie* case of obviousness of the invention recited in Claim 1. This is so because, even when combined, these references do not teach or suggest all the claimed features.

According to a feature of the invention as set forth in Claim 1, a method of manufacturing a transversely aligned web is recited, comprising, among other features, ***an air stream vibration means that includes a member that rotates or swings around an axis parallel with the machine direction of the conveyor***. Non-limiting support for the amendment to Claim 1 is found at least in FIG. 2 of Applicants' specification, as such, no issues of new matter are believed to be raised by the present amendment.

The outstanding Office Action acknowledges that ADA fails to teach, disclose, or suggest providing at least one air stream vibrating means for cyclically changing the flowing direction of the high-speed air streams to change the movement of the filaments across the machine direction of the conveyor. The '401 abstract was cited as presumably teaching such a feature.

However, the '401 abstract teaches the use of curved shells provided on each side of a filament and carrier streams to cyclically change the flowing direction of the streams. However, the shells move alternately from side to side. In other words, the shells move in the width direction of the conveyor. The '401 abstract does not disclose the air stream vibration means including a member which rotates or swings around an axis parallel with the machine direction to the conveyor. In addition, although the object of the present invention is to align filaments in the transverse direction of the web, the objection of the '401 abstract is to ensure that filaments are laid in a homogenous blanket of equal density across its whole width.

Based at least on the foregoing remarks, Applicants respectfully submit that APA and the '401 abstract cannot support a *prima facie* case of obviousness of Claim 1. Claims 2, 6, 17, and 18 depends from Claim 1.

In addition, the combination of ADA and the '401 abstract was acknowledged as failing to teach, disclose, or suggest several other features of the instant invention recited in dependent Claims 3-5. Underwood, Kurihara, and Weber have been cited as allegedly teaching those acknowledged features absent from the combination of ADA and the '401 abstract.

However, it is respectfully submitted that not one of Underwood, Kurihara, and Weber remedies the deficiencies noted with regard to the combination of ADA and the '401 abstract. In particular, Applicants note that all three references fail to teach an air stream vibration means that includes a member that rotates or swings around an axis parallel with the machine direction of the conveyor. Accordingly, ADA, the '401 abstract, Underwood, Kurihara, and Weber, neither individually nor in any combination, make obvious the invention recited in Claim 1. Claims 3-5 should be allowed, among other reasons, as depending either directly or indirectly from Claim 1, which should be allowed as just explained.

In addition, Claims 2-6, 17, and 18 are further considered allowable as they recite other features of the invention that are not disclosed, taught, or suggested by the applied references when those features are considered within the context of the subject matter recited in independent Claim 1. For the foregoing remarks, Applicants respectfully request withdrawal of the rejection of Claims 1-6, 17, and 18 under 35 U.S.C. § 103(a).

The present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after a Final Rejection permits entry of amendments placing the claims in condition for allowance or in better form for consideration on appeal.[1] As the present amendment is believed to overcome the outstanding rejections under 35 U.S.C. §103, the present amendment places the application in condition for allowance. In addition, the present amendment is not believed to raise new issues since the changes to Claim 1 has been submitted only to clarify a claim language misinterpretation help by the Office as noted in the section "Response to Arguments" in the outstanding Office Action. It is therefore respectfully requested that 37 C.F.R. § 1.116 be liberally construed, that the present amendment be entered, and that this application be passed to issuance.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-6 and 17-26 is earnestly solicited.

[1] See, for example, MPEP §714.12.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

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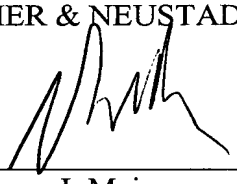

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